

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	)	Criminal No.	1:22-CR-98 (GTS)
)		
v.	)	Information	
)		
CARL J. DIVEGLIA III,	)	Violations:	18 U.S.C. §§ 1349, 1341
	)		[Conspiracy to Commit Mail
Defendant.	)		Fraud]
)		
	)		18 U.S.C. § 1028A(a)(1)
	)		[Aggravated Identity Theft]
)		
	)	Two Counts and Forfeiture Allegation	
)		
	)	County of Offenses:	Albany

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE
[Conspiracy to Commit Mail Fraud]

From in or around May 2020 through in or around August 2021, in Albany County in the Northern District of New York, and elsewhere, the defendant, **CARL J. DIVEGLIA III**, and Co-Conspirator-1 conspired to commit mail fraud by devising and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, and attempting to do so, knowingly caused to be placed in a post office and authorized depository for mail matter, any matter and thing to be sent and delivered by the United States Postal Service, and knowingly caused to be delivered by mail according to the direction thereon any matter and thing, in that **CARL J. DIVEGLIA III** and Co-Conspirator-1, both of whom were employees of the New York State Department of Labor (“NYSDOL”), agreed to submit and approve, and did knowingly and fraudulently submit and approve, false and fraudulent

unemployment insurance applications to the NYSDOL, including approximately 16 fraudulent applications that were approved and resulted in debit cards containing fraudulently obtained unemployment insurance benefits being mailed to recipients through the United States Postal Service.

All in violation of Title 18, United States Code, Sections 1349 and 1341.

COUNT TWO
[Aggravated Identity Theft]

On or about July 28, 2021, in Albany County in the Northern District of New York, and elsewhere, the defendant, **CARL J. DIVEGLIA III**, during and in relation to a felony violation contained in Chapter 63 of the United States Code, that is a violation of Title 18, United States Code, Sections 1341 and 1349 (conspiracy to commit mail fraud), knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, that is, **CARL J. DIVEGLIA III** knowingly transferred, possessed, and used J.F.'s name, date of birth, social security number, and New York State Identification Number during and in relation to a scheme to defraud the New York State Department of Labor.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE ALLEGATION

1. The allegations contained in Count One of this information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of an offense in violation of Title 18, United States Code, Section 1349, as set forth in Count One of this information, the defendant, **CARL J. DIVEGLIA III**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real and personal,

which constitutes and is derived from proceeds traceable to the offense. The property to be forfeited includes, but is not limited to, the following:

a. A money judgment in the amount of \$225,000.

3. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

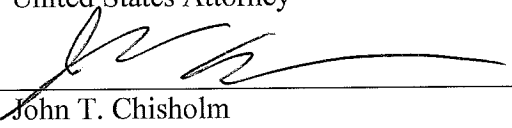
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c).

Dated: April 13, 2022

CARLA B. FREEDMAN
United States Attorney

By:



John T. Chisholm
Joshua R. Rosenthal
Assistant United States Attorneys
Bar Roll Nos. 702727 and 700730